

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-V-

LAWRENCE RAY,

Defendant.

ORDER

ORDER

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LEWIS J. LIMAN, United States District Judge:

On December 6, 2021, defense counsel notified the Government, pursuant to Federal Rule of Criminal Procedure 16(b)(1)(C), that the defense intended to call John B. Minor as a rebuttal expert to Government expert Andrew Petersohn in the event that Petersohn was permitted to testify. *See* Dkt. No. 265-1. On December 10, 2021, the defense supplemented this notice with additional information regarding past cases in which Minor has testified as an expert. *See* Dkt. No. 265-2. The Government argued that Minor should be precluded from testifying on the grounds that it would be “needlessly cumulative, and may lead to jury confusion” given Petersohn’s anticipated testimony. Dkt. No. 265 at 19. The Government further argued that, if Minor were permitted to testify, defense counsel should supplement its expert notice to provide information with respect to Minor’s opinion and the basis for that opinion. *Id.* at 22.

On January 11, 2022, the Court held that Petersohn would be permitted to testify as an expert on cell-site data and reserved ruling on the admissibility of the testimony of Minor's testimony until after Petersohn has testified and the Court could determine whether Minor's testimony would be relevant. Dkt. No. 287 at 37. On March 25, 2022, Petersohn testified. By letter of March 27, 2022, the defense renewed its request to call a rebuttal cell-site expert to testify about what it claimed to be mapping errors. Dkt. No. 469. During trial today, the defense represented that Minor's testimony, if he were called, would be limited to the alleged errors set forth in its March 27, 2022 letter.

The Court will permit John B. Minor to testify as an expert rebuttal witness limited to the alleged errors set forth in the March 27, 2022 letter. The defense must submit a supplemental notice to the Government, consistent with the March 27, 2022 letter, by no later than 6:00 p.m. on March 30, 2022.

SO ORDERED.

Dated: March 28, 2022
New York, New York

USDC SDNY
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LEWIS J. LIMAN
United States District Judge